

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

MARTÍN JONATHAN BATALLA
VIDAL, *et al.*,

Plaintiffs,

v.

ALEJANDRO N. MAYORKAS, *et al.*,

Defendants.

No. 16-cv-4756 (NGG) (VMS)

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., *et al.*,

Defendants.

No. 17-cv-5228 (NGG) (VMS)

DECLARATION OF TRACY L. RENAUD

I, Tracy L. Renaud, hereby make the following declaration with respect to the above-captioned matters:

1. I am the Acting Deputy Director of U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security. As the Acting Deputy Director of USCIS, I am responsible for assisting the USCIS Director in overseeing the day to day operations of approximately 20,000 federal employees and contractors, who handle approximately 26,000 immigration benefit applications, petitions, and other requests on an average day.

2. From January 21, 2021 until August 3, 2021, I served as the Acting Director of USCIS. Prior to January 21, 2021, I served as the Associate Director of the Service Center Operations Directorate. I've also had prior roles as the Acting Deputy Director and Associate

Director of the Management Directorate within USCIS among other roles in the more than 39 years that I have worked for USCIS and legacy INS.

3. I make the following declaration based on my personal knowledge and on information made available to me in the performance of my official duties as Acting Deputy Director of USCIS.

4. I am aware of the Court's December 10, 2020 order, *Batalla Vidal* ECF No. 359, which (among other things) directed the government to mail new Employment Authorization Documents (EADs) reflecting the adjusted two-year validity period to DACA recipients who originally received one-year EADs, no later than 30 days before the expiration dates on the one-year EADs.

5. In order to comply with this order, USCIS created batches of EADs to be processed, printed, and mailed over time, on a rolling basis, beginning in July 2021, to replace those one-year EADs with expiration dates of 8/24/2021 through 12/1/2021. Following this schedule, on July 2, 2021, USCIS processed an initial test batch of 14 EADs; on July 6, 2021, USCIS processed a batch of 1596 EADs; on July 7, 2021, USCIS processed a batch of 4010 EADs; on July 8, 2021, USCIS processed a batch of 220 EADs; on July 28, 2021, USCIS processed a batch of 2237 EADs; on August 3, 2021 USCIS processed a batch of 1871 EADs; on August 9, USCIS processed a batch of 2839 EADs; on August 17, 2021, USCIS processed a batch of 3041 EADs; and on August 19, 2021, USCIS processed a batch of 1522 EADs.

6. On Saturday, August 14, 2021, USCIS received notice through Department of Justice counsel of an individual who, according to Plaintiffs' counsel, had not received a replacement EAD even though the one-year EAD had an expiration date of September 2, 2021.

7. On Monday, August 16, 2021, while investigating that individual case, USCIS discovered an inadvertent error in the coding for four batches of EADs. In particular, USCIS discovered that the coding creating the batches contained two exclusive dates in the range, instead of one inclusive date and one exclusive date. For example, the coding for "Batch 2" pulled cases where the EAD expiration date was between 08/27/2021 and 09/01/2021 –

excluding 08/27/2021 and 09/01/2021 – instead of including 08/27/2021. This coding error resulted in EADs with four expiration dates not being included in batches that had already been pulled for production: August 27 [993 EADs], September 2, [6582 EADs] September 8 [1693 EADs] and September 14 [416 EADs].

8. On Monday, August 16, 2021 and Tuesday August 17, 2021, the USCIS Office of Information of Technology (OIT) quickly created new batches to cover the missing cases associated with the four expiration dates and submitted them for expedited processing of the EADs to begin with the cases with the August 27 expiration date.

9. On Tuesday, August 17, 2021, the Office of Intake and Document Production (OIDP) produced the replacement EADs for the batches of cases with August 27 and September 2 expiration dates. The cards were also assigned USPS tracking numbers. Three cases from the batch for September 2 were unable to be produced in the batch due to the need for manual adjustment of the photos to meet the card standards, which was also expedited.

10. On Wednesday, August 18, 2021, the replacement EADs from the August 27 and September 2 batches were mailed via USPS Priority mail, which is estimated to arrive at its destination in 1-3 business days.

11. On Wednesday, August 18, 2021, OIDP produced the replacement EADs for the batch of cases with September 8 and September 14 expiration dates.

12. On Thursday, August 19, 2021, the replacement EADs for the batch of September 8 and September 14 cases were mailed via USPS Priority mail.

13. On Friday, August 20, 2021, USCIS produced the remaining three EADs from the September 2 batch that required manual adjustment and mailed them via USPS Priority Mail.

14. As a result of these efforts, USCIS believes that it was able to produce and mail the replacement EADs prior to the expiration dates of the one-year EADs.

15. USCIS OIT has reviewed the coding for all previous and future batches to ensure that all expiration dates for one-year EADs are included. USCIS will continue to produce and

mail replacement EADs in accordance with the court order for the remaining expiration dates, and will perform regular checks to ensure the remaining EADs are produced as intended.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of August of 2021.

TRACY L RENAUD Digitally signed by TRACY L RENAUD
Date: 2021.08.24 20:34:13 -04'00'

Tracy L. Renaud
Acting Deputy Director,
U.S. Citizenship and Immigration Services
Department of Homeland Security